

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 28-29, 2015
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ITEM NUMBER: 14
SUBJECT: Environmental Justice Update for the Central Coast Region
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KEY INFORMATION

LOCATION: Region-Wide
THIS ACTION: Informational

SUMMARY

The California Government Code defines “environmental justice” as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. In accordance with the law, the State and Regional Water Boards are required to conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

On September 25, 2012, California became the first state in the nation to legislatively recognize the human right to water when the legislature passed and the Governor signed into law the human right to water, declaring that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes”, and requiring all relevant state agencies to consider the human right to water “when revising, adopting, or establishing policies, regulations, and grant criteria” relevant to domestic water uses (Water Code Section 106.3).

Currently, the Central Coast Water Board is participating in a statewide effort to increase our understanding of environmental justice issues and advance our efforts to implement the Human Right to Water (HRTW) law consistent with the Governor’s direction. In coordination with the State Water Board, the Central Coast Water Board is engaged with environmental justice issues and organizations throughout the Central Coast Region and implements outreach and coordination through multiple programs. Priority issues that affect environmental justice communities include safe drinking water, nitrate impacts to groundwater, subsistence fishing and exposure to mercury, PCBs and DDT, including activities that affect California Indian Tribes. This staff report provides an update on these activities.

Human Right to Water Law (HRTW)

In coordination with the State Water Board, the Central Coast Water Board is advancing efforts to ensure implementation of the HRTW law consistent with the Governor's direction. In a memo to State Board staff in January 2015, the Executive Officer confirmed that all Central Coast Water Board staff are knowledgeable about the HRTW Law and are evaluating how the law might apply to their regulatory program and assignments. At this time, the primary programs actively addressing the HRTW law are the Groundwater Assessment Program (GAP), the Irrigated Lands Regulatory Program (ILRP), and the Grants Program. These programs actively engage the EJ community in their outreach and incorporate EJ issues into program implementation. Other programs, such as the Total Maximum Daily Loads (TMDL) Program have also taken steps to integrate the HRTW law. For example, the TMDL Program now incorporates an HRTW finding into documents, including the TMDL Resolution where it is applicable. Staff have also begun evaluating and identifying additional program areas that can be improved to incorporate the HRTW law's requirements. State Board staff provided an update to State Board Members on the progress of the State and Regional Water Boards to implement the HRTW law at their March 3, 2015 Board Meeting.

Impacts of Drought on Environmental Justice Communities

California residents living in small, rural, low-income communities are experiencing extreme and acute impacts from the drought. In the worst cases, some communities in California have run out of water completely. In the Central Coast Region, drought is exacerbating many of the existing environmental justice (or EJ) water quality and water supply issues. For example, many rural communities in the Salinas Valley rely completely on shallow drinking water wells for domestic purposes. As the water table lowers from drought, there is less yield and many wells are at risk of going dry. Additionally, as there is less water available in surface water reservoirs, there is an increase in local and regional pumping of groundwater wells. The increased pumping can mobilize contaminants (such as nitrate) to new areas and expose more wells and communities to contamination. In addition, because there is less volume of water recharging the groundwater basin and local creeks and streams, the concentration of nitrate in small disadvantaged community wells in some areas is increasing.

With increased nitrate concentrations, wellhead treatment options become more limited and more costly, and therefore out of reach for disadvantaged communities (or DACs). Water purveyors have reported that in some areas they "cannot drill new wells fast enough" to find clean water of sufficient yield for communities. Rural communities impacted by nitrate in groundwater have to go further and further away from their existing wells to find sufficient yield AND clean groundwater, resulting in significant costs associated with conveying clean water from greater distances.

The drought can also exacerbate fluctuations in nitrate concentrations. Without routine monitoring, the chances for exposure increases. Smaller systems and domestic wells are most at risk because these wells tend to draw from the shallowest, most vulnerable groundwater, there is no regulation or requirement to monitor domestic wells, and, some disadvantaged communities likely do not know that their groundwater wells may be newly impacted.

Many EJ groups are seeking grant funds from the recently approved \$1 billion emergency drought relief package to support their work to ensure all communities have access to safe,

clean, and affordable drinking water. The funding supports drinking water and wastewater projects in low-income communities, as well as provides funds for emergency food aid and emergency drinking water (consistent with the HRTW law). Additionally, while not directly related to drought, the EJ activities described in the table below (e.g., outreach and safe drinking grants) will also help address these types of issues in the Central Coast Region.

Outreach to California Indian Tribes

Statewide EJ efforts include coordinating with California tribal and indigenous populations and communities that potentially experience disproportionate environmental harm and risk due to exposures or cumulative impacts or greater vulnerability to environmental hazards, including discharge of waste to surface water or groundwater and resulting pollution.

At the Central Coast Water Board, staff considers opportunities to enable local tribal interests to effectively participate in water quality decision-making processes which affect traditional Tribal lands, resources, Tribal members and/or the Tribal Nations themselves. These activities may include efforts related to waste discharge permitting, cleanup, restoration and pollution exposure reduction efforts.

Staff primarily interacts with the Northern Chumash Tribal Council (Chumash). Currently, staff is working with Chumash representatives and the State Water Board's Division of Drinking Water to expand recycled water use in the Santa Ynez area. Staff also coordinates with Chumash representatives regarding relevant TMDL Projects and specific cleanup projects, such as site cleanup related to the Nipomo Pipeline and the former Guadalupe Oil Field. Staff has also participated with Chumash representatives in cleanup projects along San Luis Obispo Creek and in Avila Beach.

Environmental Justice Tour

On Friday, February 27, 2015, Environmental Justice Coalition for Water (EJCW) coordinated with staff to conduct an EJ/Safe Drinking Water Tour of the Salinas Valley, creating the opportunity for staff and Board members to meet with EJ representatives and community members to discuss the challenges associated with the different facets of drinking water contamination and EJ issues in the greater Salinas Valley and Monterey County. Central Coast Water Board Members Monica Hunter, Jeff Young and Kathleen Thomasberg participated in the EJ tour, as well as State Board Member Steven Moore, as well as Executive Officer Ken Harris and several additional Water Board staff (Diane Kukol, Angela Schroeter, Chris Rose, and John Robertson). EJCW is considering holding additional tour(s) in the future, pending Board Member interest.

Recognizing that residents of DACs often have great difficulty in attending Water Board hearings, workshops, and otherwise engaging in Water Board activities, one of the primary objectives of the EJ tour was to provide Water Board Members and staff with an opportunity to meet directly with the communities in a local and informal forum to hear their perspective on drinking water contamination and EJ issues. Tour attendees (approximately 25) included Central Coast and State Water Board members and staff, representatives from EJCW, California Rural Legal Assistance (CRLA), Communities Organized for Power in Action (COPA), UC Hastings Social Enterprise & Economic Empowerment Clinic, San Jerardo Cooperative, San

Vicente Mutual Water District, Community Foundation for Monterey County (CFMC), as well as community residents from northern Monterey County and Las Lomas areas.

The tour started in Salinas at 9:00 AM and included three main stops: 1) the San Jerardo Community Center, 2) a Las Lomas community residence, and 3) the Monterey County Community Foundation for an informal lunchtime forum. A brief summary description of the discussion topics for each stop follows.

Stop 1- San Jerardo Cooperative

At this initial stop, Water Board members and staff met with EJ representatives and many residents (young and old) from the San Jerardo Cooperative, a disadvantaged community of primarily farm workers. As most of the residents did not speak English, EJ representatives were available to translate the discussion. The residents spoke of years of dealing with water-related health issues they experienced after concentrations of trichloropropane and nitrate became elevated in their drinking water well (e.g., skin rashes and sores, hair loss, etc.). Monterey County registered nurses followed up on complaints and as a result residents were told not to drink the water and to drink bottled water. Many residents could not afford bottled water and were still afraid to bathe their children. Funding for interim treatment at the wellhead took many more years to obtain and several more years to obtain installation of a new well and delivery pipeline. The new well was grant funded and cost more than \$6 million because clean water could not be located in proximity to the community due to nitrate pollution. San Jerardo residents now have safe drinking water, but are struggling with the unexpected increased cost of service from the new well (residents pay \$100+ for water, in some cases more than 12% of their gross income).

A representative from the San Vicente Mutual Water Company (a small residential community cooperative) southeast of Soledad, CA) also described how their small community, while not disadvantaged, is also experiencing increasing nitrate concentrations in their small community drinking water well. The San Vicente Mutual Water Company (SVMWC) is struggling to determine options for treatment, as they have no options to drill a new well, and residents will likely have to pay a significant increase in water costs. Representatives from San Jerardo and the SVMWC expressed frustration and anger that they are bearing the burden of impacts and costs, while they did not cause the pollution. They indicated that they know of no other situation where the victims are forced to pay to resolve issues that they did not cause and that affect public health and a public resource. They also expressed how important it is for communities to have access to water quality data to address public health issues and find solutions, such as targeting locations for replacement wells that will provide safe drinking water.

Stop 2 – Las Lomas Community

At the second stop, Water Board members and staff met with EJ representatives and residents from small sub-area within the Las Lomas community. The Las Lomas area is a disadvantaged community, southeast of Watsonville and northeast of Elkhorn Slough, where development includes densely-spaced, rural residences on private domestic wells in close proximity with agriculture. Different from San Jerardo, the Las Lomas residents participating in the discussion were not farmworkers. EJCW recently contacted this portion of the Las Lomas community to inform them of the possibility of receiving replacement water funded by the Central Coast Water Board's Safe Drinking Water Grant. In many cases, the residents were not aware of the nitrate contamination of their drinking water well and expressed fear regarding the potential affects to their health and that of their children from their well water. At this time, many residences pay for bottled water at their own expense and some do not yet have safe drinking water. EJCW is working with the community now to make sure residents are informed of the nitrate impacts and

to provide the best alternative for interim replacement water through the Safe Drinking Water Grant. EJCW also let Water Board members know that they have identified additional interim drinking water needs in other portions of Las Lomas and other areas, beyond the available grant funding. EJCW has asked Central Coast Water Board staff to assist them in obtaining additional funding to provide safe drinking water to residents in the Las Lomas and similar affected areas.

Stop 3 – Community Foundation of Monterey County Lunch Forum

During the lunch forum, EJCW, COPA, and CFMC provided background on their organizations and the work they do to organize and support disadvantaged communities. Additionally, the UC Hastings Social Enterprise & Economic Empowerment Clinic provided background on the “Lawyers Collaborative” which is working with EJCW and CRLA to represent and assist unincorporated DACs that decide to incorporate or partner with larger water systems on entity formation, corporate governance, and regulatory compliance issues to achieve safe drinking water. Four participants discussed their overall impressions of the day and potential next steps as described below:

Next Steps

1. Board Members asked Water Board staff and EJCW to consider additional EJ tours for Central Coast Board Members unable to participate and State Board Members who would like to participate;
2. EJCW asked Water Board members to consider a future Central Coast Water Board EJ Workshop, in conjunction with a Board meeting;
3. Board Members expressed the need to coordinate with public health representatives (e.g. county public health, non-profit health clinics and community advocates, local doctors) to ensure they are informed about local water quality issues, available data and resources, and public health concerns and associated symptoms related to high nitrate concentrations in water supply;
4. Board Members discussed the idea of a mill tax on fertilizer to share the costs of providing safe drinking water to EJ communities;
5. Board Members encouraged EJ communities to raise their safe drinking water issues with their elected representatives (state and local) and offered to facilitate meetings or discussions if that is helpful.

Water Board staff received positive feedback from the EJ representatives and tour participants. Community members appreciated the opportunity to engage directly with Board Members in an informal, local setting to discuss water quality issues. Board Members expressed that the tour was an eye-opening experience to learn first-hand about the EJ communities that are affected by issues facing the Water Board.

Status of Active Environmental Justice Projects

The following is a list of Central Coast Water Board activities where staff actively engage in EJ issues. Staff will continue to update the Board on the status of these projects and activities.

Project Title (Staff Lead)	Project Description and Status
Governor's Drinking Water Stakeholder Group (Matt Keeling)	<p>Description: In 2012, the Governor's Drinking Water Stakeholder Group was established to develop recommendations to address communities' challenges in dealing with nitrate contamination of drinking water supplies in the Tulare Lake Basin and Salinas Valley. The group was comprised of representatives from state and local agencies, water organizations, agricultural groups and environmental and consumer organizations. Central Coast Water Board staff and Board Member Monica Hunter participated on behalf of our region.</p> <p>Status: Completed. A summary and links to documents are available at: http://www.waterboards.ca.gov/water_issues/programs/groundwater/drinkingwater_stakeholders.shtml</p>
Central Coast Water Board Implementation of Human Right to Water Law (Angela Schroeter)	<p>See detailed discussion above.</p>
Safe Drinking Water Grant Project (Katie McNeill)	<p>Description: The Safe Drinking Water Grant Project provides approximately \$118,000 in PG&E settlement funds to grantees to assist individuals and small communities affected by nitrate in groundwater in the Salinas Valley in obtaining interim replacement safe drinking water. Funds are also used to conduct outreach to affected communities to ensure they are aware of risks of nitrate contamination.</p> <p>Status: The Central Coast Water Board provided funding to the Environmental Justice Coalition for Water (EJCW) and the Coalition for Urban, Rural, Environmental Stewardship (CURES) to assist DACs and limited resource farmers, respectively. EJCW has determined eligible participants and on April 3, 2015 began delivering safe drinking water to affected community residents. Based on recent grant progress reports demonstrating EJCW's successful identification of grant participants to receive replacement water and their determination that additional funding is necessary to address needs that exceeded grant expectations, and CURES statements related to difficulties in identifying limited resource farmers needing assistance to provide safe drinking water, the Executive Officer shifted some funds from the CURES grant to EJCW's grant. Staff will assess future grant funding</p>

	<p>disbursements pending status of grant performance. For more info, go to: http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2014/may/Item_11/item11_supp_att2.pdf</p>
<p>Central Coast Domestic Well Outreach and Sampling Project/CCAMP-GAP (Matthew Keeling)</p>	<p>Description: The Central Coast Water Board, as part of the Central Coast Ambient Monitoring Program – Groundwater Assessment and Protection (CCAMP-GAP) effort, is coordinating with the State Water Board for funding to implement a domestic well outreach and sampling project within the Central Coast Region with an emphasis on high-risk nitrate areas and DACs. The project is intended as a pilot to inform the implementation of similar projects in the State where there are significant drinking water problems affecting domestic wells.</p> <p>Status: The Water Board released an invitation for bid for prospective applicants to implement field sampling, analytical testing and data management activities for the Domestic Well Sampling Project. Bids were received on April 27, 2015 with contractor selection pending. Outreach and education for the Domestic Well Sampling Project will be implemented by the Water Board in conjunction with another third party under a separate contract (to be released in June 2015). For more info, go to: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/gap/index.shtml</p>
<p>Nitrate Water Treatment Project, Salinas Valley – UCLA Pilot Project (Diane Kukol/ John Robertson)</p>	<p>Description: UCLA has received funding from State Board's Cleanup and Abatement Account to select candidate sites in the Central Valley and/or the Central Coast regions to implement wellhead treatment (combination reverse osmosis [RO]) at several proposed DAC wells impacted with unsafe nitrate concentrations. UCLA is attempting to demonstrate effective and economical pre-RO treatment methods and remote telemetry management such that multiple, limited resource communities can be managed collectively, thus reducing individual system technical management costs. Phase 1 of the project identified and toured perspective candidate sites and is complete. Phase 2 of the project (specific wellhead/community selection, system design and implementation) was recently funded by the State Water Board.</p> <p>Status: UCLA has completed its site selection and is currently addressing logistical considerations for pilot test implementation in the Central Coast Region (Salinas Valley). Central Coast Water Board staff is coordinating with UCLA to facilitate site selection, associated permitting, and project implementation.</p>

	<p>More information on this UCLA project is located at: http://www.waterboards.ca.gov/board_info/agendas/2015/jan/012015_2.pdf</p>
<p>Integrated Regional Watershed Management (IRWM) and Related Funding Programs (Katie McNeil)</p>	<p>Description: The Central Coast Water Board is coordinating with the State Water Board and Department of Water Resources to support project opportunities related to safe drinking water for DACs.</p> <p>Status: Current funding sources include Prop 84 IRWM (\$4.9 million dollars is allocated to the Central Coast Region and may include projects that intend to provide direct water-related benefits to DACs), Prop 1 Groundwater Sustainability, Drinking Water State Revolving Fund, Clean Water State Revolving Fund, Cleanup and Abatement Account Interim Emergency Drinking Water Fund, Waste Discharge Fund, Site Cleanup Subaccount Program, and Climate Relief Fund. For more info, go to: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/</p>
<p>Salinas Valley Disadvantaged Community Integrated Drinking Water and Wastewater Plan (Matt Keeling)</p>	<p>Description: As part of the Greater Monterey County IRWM, this project is implementing a comprehensive DAC needs and solutions assessment for the Salinas Valley with detailed project plans for high priority projects to be implemented with available funding. Central Coast Water Board staff participates on the Technical Advisory Committee (TAC) which includes community members, technical and industry professionals, regulatory agencies, funding agencies, and non-profit community-based organizations.</p> <p>Status: The TAC is in the process of identifying DAC areas and associated drinking water and wastewater problems through outreach and geospatial analyses of available data, and developing database and mapping tools to manage and evaluate the resulting information.</p>
<p>Drinking Water Protection / Replacement Drinking Water Cases (Hector Hernandez and Angela Schroeter)</p>	<p>Description: The Central Coast Water Board is following up on cases where individuals or communities may not have safe drinking water associated with widespread nitrate pollution.</p> <p>Status: Staff continues to identify, evaluate, prioritize and act on water quality cases where individuals or communities may not have safe drinking water. The Central Coast Water Board role primarily relates to the discharge of waste and impacts to drinking water beneficial uses. Staff is coordinating with the State Water Board's Division of Drinking Water and local public health agencies regarding specific cases and appropriate actions.</p>

NEXT STEPS

Staff will continue to update the Board on the status of EJ activities in the Central Coast Region, including progress towards implementing the HRTW law. In addition, staff plans to coordinate with EJ representatives to provide additional opportunities for Board Members to participate in EJ tours in the future, pending Board Member interest and schedules.

EJ representatives have also requested the opportunity for the Central Coast Water Board to convene a Board Workshop focused on discussion of local and regional EJ issues. For more information pertaining to water quality-related EJ issues, please visit our website at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/enviro_justice/enviro_justice.shtml